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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/015,439 | 12/13/2001 | Jose Albero | 01-294 | 5675 |

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| EXAMINER |
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CASAREGOLA, LOUIS J

| ART UNIT | PAPER NUMBER |
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3746

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DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,439

Applicant(s)

ALBERO ET AL.

Examiner

Louis J. Casaregola

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/24/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5-6, 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 9-15 is/are rejected.
- 7) ☒ Claim(s) 3-4, 7-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Election

In their latest response, applicants elect the species of Figure 2 and list claims 1-4 and 7-15 as readable on that species. An action on the merits of these claims is set forth below, and non-elected claims 5, 6, and 16-21 are withdrawn from further consideration.

Claim Rejections - 35 USC 112

Claims 10, 11, and 13-15 are rejected under 35 USC 112, first and/or second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 10 describes a secondary or auxiliary power unit as "providing pneumatic air to said at least one load and electrical loads", and claim 11 further describes this unit as "used to start said primary gas turbine engine". The various embodiments of the invention as shown, however, do not appear to include any electrical or starting equipment, and the disclosure lacks essential detail necessary to fully understand the claimed subject matter. Furthermore, some of the claim language itself appears to be indefinite. Claim 10, if read literally, requires the secondary power unit to send air to an

electrical load, which appears to make little sense, and claim 11 provides no clear antecedent basis for "said auxiliary power unit".

Claim 13 describes the secondary unit as "having an environmental control system", and claim 14 further describes this unit as integrating "an energy power unit, an environmental control system, and an engine start system". As in the case of claims 10 and 11, the embodiments as shown do not appear to include the claimed features, and the disclosure thus lacks essential detail necessary to understand the claims. An environmental control system, for example, normally comprises a series of ducts, fans, heat exchangers, filters, etc. necessary to supply heated, cooled, and/or pressurized air to an aircraft cabin. This entire system would not appear to fit in an engine core compartment as claimed, and the disclosure fails to identify the specific equipment or system portion that is actually located in that area. Note also that there appears to be no reasonably detailed disclosure of a so-called "energy power unit", and the recitation of this device in claim 14 is therefore considered ambiguous.

It is additionally pointed out that the cited passages from claims 10, 11, 13, and 14 constitute mere statements of intended use. Such material renders the present apparatus claims incomplete and/or indefinite since there is no recited structure that will inherently operate or use the claimed apparatus in the manner intended, and the statements of intended use per se have no clear limiting effect on the structure that is actually recited. The present claims include no specific structure or means that will

necessarily act to supply air from a secondary or auxiliary power unit to any particular air user device or group of such devices.

Claim 15 further states that the secondary power unit "comprises means for heating said primary gas turbine engine". It is not clear however precisely what constitutes the "means for heating" – is it the mere presence of the secondary power unit as a heat engine or is some additional structure involved?

Claim Rejections - 35 USC 102

Claims 1, 2, 9, 12, and 15 are rejected under 35 USC 102 (b) as being anticipated by Menioux.

The present claims are sufficiently broad to read on prior art power plants integrating multiple gas turbine engines in the manner shown by Menioux. Attention is called for example to Menioux's Figure 1; note that the claimed secondary power means and primary engine read respectively on Menioux's engines 2 and 3. Note also that engines 2 and 3 are located in nacelle cowl 1 and arranged such that engine 2 can be construed as being located in a core compartment of engine 3. It is additionally emphasized that claim language reciting "secondary power means for providing pneumatic air to at least one load" is not worded in such a manner as to be limited

exclusively to the disclosed secondary power means and equivalents thereof (35 USC 112, 6th paragraph). The claimed secondary power means could be construed as any additional power means placed in the claimed location within a gas turbine engine and used in conjunction with that engine for any purpose.

With regard to claim 2, attention is called to the outer wall (unnumbered) of the core compartment containing engine 2. This wall can be construed as an inner cowl which cooperates with nacelle cowl 1 to define a bypass passage.

As concerns claim 15, note that the location of engine 2 will inherently cause some of the waste heat from this engine to be transferred to engine 3.

Allowable Subject Matter

Claims 3, 4, 7, and 8 contain allowable subject matter but are objected to as depending from rejected parent claims. If rewritten in independent form, these claims will be allowed. If and when claim 3 is allowed, non-elected claims 5 and 6, which depend from claim 3, will also be allowed.

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Additional References

Barchenko, Wilde et al, and Ciokajlo et al are cited as disclosing further pertinent examples of prior art gas turbine power plants which integrate multiple engines or power units.

L. J. Casaregola
703-308-1027 (M-F; 7:30-4:00)
703-872-9302 FAX (9303 After Final)
July 7, 2003



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PRIMARY EXAMINER